

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 03-00171-01-CR-W-ODS
	)	
HESSAM S. GHANE,	)	
	)	
Defendant.	)	

ORDER OVERRULING DEFENDANT'S OBJECTIONS TO THE MAGISTRATE  
JUDGE'S REPORTS AND RECOMMENDATIONS AND DENYING DEFENDANT'S  
MOTIONS TO SUPPRESS

Defendant filed two Motions to Suppress, each of which was addressed in separate Reports and Recommendations ("Reports") issued by the Honorable Robert E. Larsen, United States Magistrate Judge for this district. Defendant filed timely objections to the Reports, and the Court has conducted a de novo review of the record (including a review of the transcript of the hearing held by Judge Larsen).

On December 14, 2005, Judge Larsen issued a Report addressing Defendant's Motion to Suppress evidence seized during the warrantless search of his home. Conceding that he ostensibly granted consent to the search of his home, Defendant contends the law enforcement officers did not reasonably believe that his consent was voluntary. The undersigned agrees with Judge Larsen's conclusions that (1) Defendant's consent was, in fact, voluntary, and (2) Defendant's statements, conduct and demeanor did not suggest to the officers that Defendant was incapable of voluntarily consenting to the search of his house or otherwise render their beliefs unreasonable. There is no need to expand further on the Report's findings and conclusions.

On December 21, 2005, Judge Larsen issued a Report addressing Defendant's Motion to Suppress certain statements based on the psychotherapist/patient privilege. Defendant specifically challenged the statements he made to Physician's Assistant Gleb Gluhovsky ("PA Gluhovsky") and to his treating psychiatrist, Dr. Howard Houghton.

Judge Larsen recommended denying the motion to suppress as to statements made to PA Gluhovsky because he did not provide psychotherapy diagnosis, services or treatment. Judge Larsen also recommended denying the motion to suppress as to statements made to Dr. Houghton for two independent reasons: (1) Defendant consented to the disclosure and (2) the exception for “dangerous patients” applies. The undersigned agrees with Judge Larsen’s factual and legal analysis, particularly with respect to Dr. Houghton’s basis for believing Defendant posed a legitimate threat of physical harm to specific individuals. Nothing needs to be added to the Report’s discussion, save to observe that the reasons for admitting Dr. Houghton’s statements are also independent grounds justifying the admission of PA Gluhovsky’s statements.

The Court overrules Defendant’s objections, adopts Judge Larsen’s Reports as the Orders of the Court and overrules Defendant’s Motions to Suppress.

IT IS SO ORDERED.

DATE: February 1, 2006

/s/ Ortrie D. Smith  
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ORTRIE D. SMITH, JUDGE  
UNITED STATES DISTRICT COURT